IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 17174 of 2004**

Between:
P. Nagalinga Reddy, S/o. Errabayapu Reddy,
R/o. Kandikapula Village, Putluru Mandal, Ananthapur District.
..... PETITIONER

AND

1 The Joint Collector, Ananthapur, Ananthapur District.
2 The Revenue Divisional Officer, Ananthapur, Ananthapur District.
3 The Mandal Revenue Officer, Putlur Mandal, Ananthapur District.
4 G. Subhadramma, Temporary Fair Price Shop Dealer,
Kandikapula and Chintakunta, Putlur, Ananthapur District.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order of the 1st respondent in Rc.No.K4/ATP/1014/2004, dated 18-9-2004 and the order of the 2nd respondent in Rc.No.D1/CS/1078/2004, dated 14-8-2004 as illegal, arbitrary and without jurisdiction and consequently set-aside the same and direct the respondents to permit the petitioner to continue as Fair Price Shop Dealer of Kandikapula and Chintakunta, Putluru Mandal, Ananthapur District,

**Counsel for the Petitioner: MR.P.ROY REDDY**

**Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES**

**Counsel for the Respondent No.4: MR.S.D.GOWD, CAVEATOR FOR R4.**

The Court at the admission stage made the following:

**ORDER:**

Admittedly, the appeal preferred by the petitioner against the order of the 2nd respondent dated 14.08.2004 under which the authorisation of the petitioner was suspended, is pending before the first respondent.

This writ petition is filed aggrieved by the order passed by the first respondent in rejecting the application for stay filed by the petitioner in the appeal.

Though the learned counsel for the petitioner raised various grounds assailing the correctness of the order of suspension, I am not inclined to express any opinion since the statutory appeal is pending before the first respondent. The impugned order being an interim order, pending appeal, I am of the view that the same does not warrant any interference by this Court in exercise of jurisdiction under Article 226 of the Constitution of India. Instead, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the appeal pending on his file against the order of suspension dated 14.08.2004 and to pass appropriate orders in accordance with law after affording an opportunity of personal hearing to the

petitioner, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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23.09.2004

Note: Furnish CC in two days

(b/o)

VGB

To

1 The Joint Collector, Ananthapur, Ananthapur District.
2 The Revenue Divisional Officer, Ananthapur, Ananthapur District.
3 The Mandal Revenue Officer, Putlur, Ananthapur District.
4 2CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT)
5 2CD copies